

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID K. PORATH,

Plaintiff,

-v-

CITY OF NEW YORK, DIRECTOR, BELLEVUE
SHELTER SYSTEM, and N.Y.S. PAROLE OFFICER
AKANEME,

Defendants.

CIVIL ACTION NO.: 22 Civ. 1302 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge:

By **March 9, 2023**, Defendants shall answer, move, or otherwise respond to the Amended Complaint (ECF No. 14). Plaintiff's requests for a court conference and for permission to serve discovery requests (ECF No. 40) are DENIED WITHOUT PREJUDICE as premature. Before a plaintiff may seek judicial intervention in aid of discovery, "(1) Defendants must answer the complaint, (2) the parties must confer on a discovery plan, (3) Plaintiff must serve written discovery demands on Defendants, and (4) the parties must make good-faith efforts to resolve any discovery disputes that may arise." Rajapakse v. Shaw, No. 20 Civ. 10473 (VEC), 2021 WL 965326, *2 (S.D.N.Y. Mar. 15, 2021); see Fed. R. Civ. P. 26(d) (setting forth the "Timing and Sequence of Discovery" and providing that, with limited exceptions, "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)"); Fed. R. Civ. P. 37(a)(1) (providing that a party may not seek an order compelling discovery unless it "has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action."); Local Civil Rule 37.2 (setting forth the proper method of raising

discovery disputes in this District). Plaintiff may renew his request, if appropriate, after Defendants respond to the Amended Complaint.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

Dated: New York, New York
February 23, 2023

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge